

to settle. The situations here are the book said this, and the book said that but not evidenced to anything other than not making any sense to what is at hand.

REASON FOR GRANTING THE PETITION

The states, departments, agencies, officers and individual are not immune from suit when they act unconstitutionally intentionally. Rules of laws are not designed to take someone's rights illegally. Immunity applies to ones who followed laws even if sometimes found wrong. The lower courts had nothing to apply the good faith to. In any sense, the individuals acted, and the departments acted so the courts should order for each. The Departments can not act without names but need to be taught not to be out of office causing malice with someone's rights. The laws and rules are established to follow so, it will be no excuse trying to use the offices to injure. Roy Lee Taylor was mistreated in any sense.

This Court is urgently needed to show that no person is above the law. Certiorari needs to be done to show laws must be followed,

I. THE FEDERAL COURT HAS DEPARTED FROM THIS COURT'S PRECEDENTS CONSTRUING PERSONS

The immunity of a state from suit has long been held not to extend to actions against state officials for damages arising out of willful and negligent disregard of state laws. Johnson v. Lankford, 245 U.S. 541 (1918); Martin v. Lankford, 245 U.S. 547 (1919). The

reach of the rule is evident in Scheuer v. Rhodes, 416 U.S. 233 (1974) in which the Courts held that plaintiffs were not barred by the Eleventh Amendment or other immunity doctrines from suing the governor and other officials of a state alleging that they deprived plaintiffs of federal rights under color of state law and seeking damages, when it was clear that plaintiffs were seeking to impose individual and personal liability on the officials.

It is not that big or important as it made out to be since the departments in a sense are not before the courts. Facts of the matter are the departments were not served with processes. So the case should not of been dismissed toward departments. The law is not design to get personal with a case with it, but to assure that a person gets served which was done by Petitioner Roy Lee Taylor. It does not look like Taylor trying to take unfair advantages of the State and trying to sue first inform later whom he picks out is sued. It is the other way around and parties know who is sued. It's certainly not reason to dismiss.

In essence, a Certificate of Service makes clear who is directed for dismissal no matter how personal ones want to get. Plus, the Respondents did not contest persons have not been serviced. The Petitioner would have shown proof if service was challenged. They saw these services and tried to channel this away to agencies taking the court or Petitioner may not understand them because they are acting upon him this kind of way. Person is served and is understood by parties who don't have any

cause to be contesting now.

II. THIS TYPE DECISION CONFLICTS WITH THIS COURT AND VEERS AWAY FROM THE OTHER CIRCUITS.

First, lets pinpoint situation on person in the complaint. Person is stated from beginning and throughout the complaint. In paragraph one, person is shown by citizenship. Agency is not citizenship. Secondly, in paragraph three of the complaint on page three paragraph seven, explains persons and is not about agency. Before, page three, on page one, names are there not departments. See! They know what the Petitioner wants. The Respondents did a false dismissal saying that person is not seen. Taylor does not see how the Courts were persuaded by the Respondents to say they don't see anything about person when it is all over the complaint. They all missed saying anything about those paragraphs. It is no need to get personal with the case because they were in there out there causing harm to the Petitioner.

Amendment to the United States Constitution. Amendment I. Taylor has no chance to petition the government for redress because their situation did not exist and courts do not want to do much about it. Amendment IV. He was not secure for what he had and unreasonable searches and seizures. They did not care how they do things. He was put overly in jeopardy of life and limb. Made to look like he is a witness against himself. Took his life, liberty, and property without due process of law. Amendment IV. They did not care when, where, and how things were being done and did not know what they were

doing things about. He is not told what the charged are. It is no need explaining all they did for each, but Amendments VII, VIII, IX, X, XIII, and XIV were violated.

Taylor showed they admitted they took the rights but don't understand why the Circuit Court denied this in footnote two. This Court can grant certiorari to view this against them that they can not harass the Petitioner without cause.

III. THIS CASE IS A GOOD ONE FOR THE QUESTION PRESENTED

For a number of reasons, this case presents a good opportunity to review the Federal Circuit's not see many constitutional rights don't need to be taken lightly. The obviousness of what is right and wrong are taken away because the case is taken as true. It is no law that says one can violate any rights intentionally. Pierson v. Ray, 386 547, 18 L Ed 288, 87 S Ct 1213. Good faith and probable cause were available to them under § 1983. Good faith is not in this case.

They would not obey any authority, and they understoodly made a false process for dismissal. The cases are closed in the lower courts to evidences. certiorari should be granted to decide person is seen and they can be sued.

CONCLUSION

The Petitioner respectfully requests that a writ of certiorari be granted.

This 11th day of November, 2005.

Respectfully submitted,

ROY LEE TAYLOR
ROUTE 1, BOX 215
WRIGHTSVILLE, GEORGIA 31096
PH# (478)-864-2596

Pro Se

APPENDIX A — DECISION OF THE UNITED
STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT DECIDED JUNE 23, 2005

[DO NOT PUBLISH]

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

05-10507

ROY LEE TAYLOR,

Plaintiff-Appellant,

v.

DEPARTMENT OF PUBLIC SAFETY,
DEPARTMENT OF LAW,

Defendants-Appellees.

DECIDED: JUNE 23, 2005

Before BIRCH, BARKETT, and MARCUS,
Circuit Judges.

PER CURIAM:

Roy Lee Taylor, proceeding pro se,
appeals the district court's dismissal of
his 42 U.S.C. § 1983 action against the
Department of Public Safety and
Department of Law, alleging that the
Departments owe Taylor "150,000,000,000
(one hundred fifty billion dollars) for
discriminating, harassing, and acting
improper against the plaintiff's rights
to life, liberty, property and pursuit of

Appendix A

happiness along with: employments, educations, professionalisms, and family. "Taylor also alleged that the Defendants caused mental, physical, emotional, and other damages and improperly suspended his driving license. On appeal, Taylor challenges the district court's dismissal of his claim as bared by the Eleventh Amendment.

We review the district court's granting of a motion to dismiss de novo, accepting all allegations in the complaint as true and construing facts in a light most favorable to the Plaintiff. See Harper v. Thomas, 988 F.2d 101, 103 (11th Cir. 1993). A complaint should not be dismissed pursuant to Fed. R. Civ. P. 12 (b)(6) unless it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Marsh v. Butler County, Ala., 268 F.3d 1014, 1022-23 (11th Cir. 2001)(en banc).

In order to succeed on a § 1983 claim, "a plaintiff must show that he or she was deprived of a federal right by a person acting under color of state law." Griffin v. City of Opa-Locke, 261 F.3d 1295, 1303 (11th Cir. 2001)(emphasis added). According to Will v. Mich. Dept. of State Police, 491 U.S. 58, 67, 109 S. Ct. 2310, 105 L. Ed. 2d 45 (1989), the State is not a "person" within the meaning of § 1983. The Eleventh Amendment provides that "[t]he judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or

by Citizens or Subjects of any Foreign State." U.S. Const. amend. XI. The Eleventh Amendment bars suit against a state brought by the state's own Citizens. McLendon v. Ga. Dept. of Cmty. Health, 261 F.3d 1253, 1256 (11th Cir. 2001). Moreover, state agencies share the same Eleventh Amendment immunity as do States. See Fouche v. Jekyll Island-State Port Auth., 713 F.3d 1518, 1520-23 (11th Cir. 1983). Therefore, the Eleventh Amendment bars a federal court from exercising jurisdiction over a lawsuit against a non-consenting State and its agencies. Vt. Agency of Natural Res. v. United States, 529 U.S. 765, 778, 120 S. Ct. 1858, 1865, 146 L. Ed. 2d 836 (2000).

Here, this case was brought against state agencies, which are not "person" for purposes of § 1983 and which enjoy the same Eleventh Amendment immunity as does the State of Georgia. We are unpersuaded by Taylor's general equity-based arguments for why the Eleventh Amendment should not apply here. He also has not shown how the agencies qualify as "person" for the § 1983 purposes. In short,

¹ This case does not present a situation where the State has consented to suit or waived its immunity, cf. Port Auth. Trans-Hudson Corp. v. Feeney, 495 U.S. 299, 305, 110 S. Ct. 1886, 1872-73, 109 L. Ed. 2d 264 (1990), nor has Congress abrogated the State's immunity here, cf. Kimel v. Fla. Bd of Regents, 528 U.S. 62, 72, 120 S. Ct. 631, 640, 145 L. Ed. 2d 522 (2000).

because the state agencies did not waive their immunity or consent to suit and Congress did not abrogate state immunity, they are immune from suit based upon the Eleventh Amendment.²

AFFIRMED.

² We DENY Appellant's "Motion on Requested Information" and "Motion" for a Conference."

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APPENDIX B — DECISION OF THE UNITED
STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT DECIDED JULY 27, 2005

[DO NOT PUBLISH]

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

05-10507

ROY LEE TAYLOR,

Plaintiff-Appellant,

v.

DEPARTMENT OF PUBLIC SAFETY,
DEPARTMENT OF LAW,

Defendants-Appellees.

DECIDED: JULY 27, 2005

Before BIRCH, BARKETT, and MARCUS,
Circuit Judges.

PER CURIAM:

The petition(s) for rehearing filed by
Roy Lee Taylor is DENIED.

ENTERED FOR THE COURT:

s/UNREADABLE

United States Circuit Judge

Appendix B

APPENDIX C ORDER OF THE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
FILED NOVEMBER 15, 2004

CASE NO. 1:04-CV-0377-RLV
HON. ROBERT L. VINING, JR.

ROY LEE TAYLOR,

Plaintiff,

v.

DEPARTMENT OF PUBLIC SAFETY,
DEPARTMENT OF LAW,

Defendants.

ORDER

FILED IN CHAMBERS U.S.D.C. ATLANTA
on November 15, 2004

UNDER: THE HONORABLE ROBERT L. VINING, JR.
SENIOR UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

The plaintiff filed the instant action alleging that the defendants violated his constitutional rights by improperly suspending his driver's license. This matter is currently before the court on the defendants' unopposed motion to dismiss [Doc. No. 7]. For the reasons set forth below, this court GRANTS the defendants' motion.

II. BACKGROUND

In his complaint, the plaintiff alleges that the defendants improperly suspended his driver's license and as a result,

Defendants owe plaintiff \$150,000,000,000 (one hundred fifty billion dollars) for discriminating, harassing, and acting improper against the plaintiff's rights [sic] to life, liberty, property and the pursuit of happiness along with: employments, educations, professionalisms, and family. They caused mental, physical, emotional and other damages willful and wanton also.

A. Facts and Procedural History

(Complaint, p. 1). It is not apparent from the face of the plaintiff's complaint exactly which rights or law he is alleging the defendants violated. In these circumstances, this court presumes the plaintiff is basing his allegations on 42 U.S.C. § 1983. Section 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding

for redress.

Thus, while section 1983 provides a remedy for discriminatory acts that violate a person's constitutional or federal statutory rights, it does so only in limited circumstances when a person is acting under color of state law.

III. LEGAL STANDARD

The defendants in this action are agencies of the State of Georgia. Therefore, this court must determine whether the Eleventh Amendment to the United States Constitution renders them immune from this suit. The Eleventh Amendment restricts federal judicial power by limiting a person's ability to sue a state in federal court. Carr v. City of Florence, 916 F. 2d 1521, 1524-25 (11th Cir. 1990). Although the text of the Eleventh Amendment does not bar suits against a state by its own citizens, the Supreme Court has held that states are immune from these suits in all but two situations. Hens v. Louisiana, 134 U.S. 1, 10 S. Ct. 504 (1890). The first is when Congress abrogates a state's "eleventh amendment immunity within the state's consent when it acts pursuant to the enforcement provisions of section 5 of the [F]ourteenth [A]mendment." Id. at 1524 (citations omitted). The second situation is when the state voluntarily relinquishes its immunity. Id. Neither of these situations is present in these cases at bar. Congress has not chosen to remove eleventh amendment immunity in § 1983 cases. Id. at 1525. Furthermore, the State of

Georgia has not relinquished its immunity in the case at bar.

IV. ANALYSIS

Thus, the only remaining issue is whether state agencies retain the same immunities as the state of Georgia in this situation. Article I, Section 2, paragraph IX, Subsection (f) of the Georgia Constitution states, "No Waiver of sovereign immunity under this paragraph shall be construed as a waiver of any immunity provided to the state or its departments, agencies, officers, or employees by the United States Constitution." Thus, the Eleventh Amendment protections applies with equal force to state agencies. Because the Department of Public Safety and the Department of Law are both public agencies cloaked with eleventh amendment immunity, this court dismisses the plaintiff's claim pursuant to the Federal Rule of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be granted.

For the foregoing reason, the defendants' motion to dismiss [Doc. No. 7] is GRANTED and the clerk is directed to enter a judgment dismissing this action with prejudice.

SO ORDERED, this 15th day of November, 2004.

s/ROBERT L. VINING, JR.

Senior United States District Judge

APPENDIX D ORDER OF THE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
FILED JANUARY 6, 2004

CASE NO. 1:04-CV-0377-RLV
HON. ROBERT L. VINING, JR.

ROY LEE TAYLOR,

Plaintiff,

v.

DEPARTMENT OF PUBLIC SAFETY,
DEPARTMENT OF LAW,

Defendants.

ORDER

FILED IN CHAMBERS U.S.D.C. ATLANTA
on January 6, 2004

UNDER: THE HONORABLE ROBERT L. VINING, JR.
SENIOR UNITED STATES DISTRICT JUDGE

By order dated November 15, 2004, this court granted the defendants' motion to dismiss. On November 27, 2004, the plaintiff filed a pleading denominated "Motion on Opposition Pursues and Judgment," the court will treat that motion as a motion for reconsideration. Finding no basis to recede from its earlier ruling, the court hereby DENIES the motion for reconsideration.

SO ORDER, this 6th day of January, 2005.

s/ROBERT L. VINING, JR.
Senior United States District Judge

FILED

FEB 1 - 2006

OFFICE OF THE CLERK
SUPREME COURT, U.S.

(2)

No. 05-655

IN THE
SUPREME COURT OF THE UNITED STATES

ROY LEE TAYLOR,
Petitioner,
v.

DEPARTMENT OF PUBLIC SAFETY et al.,
Respondents.

Petition for Rehearing to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A REHEARING

ROY LEE TAYLOR
ROUTE 1, BOX 215
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(478)-864-2596

Pro Se

QUESTION PRESENTED

Whether persons can be sued in federal court.

CORPORATE DISCLOSURE STATEMENT

Petitioner hereby identifies that he is not a corporation and has no corporation. No one owns 10% or more of stock of the petitioner.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Baker, Thurbert E.: defendant/respondent
Brownlow, Richard: defendant/respondent
Department of Law: defendant/respondent
Department of Public Safety: defendant-respondent
Hightower, Robert: defendant/respondent
Miles, Sid: defendant/respondent
Millar, Ted M.: defendant/respondent
Norton, O.T.: defendant/respondent
Self Insurance: defendant/respondent
Taylor, Roy Lee: plaintiff/petitioner
White, A.: defendant/respondent

Attorneys

Jones, John C.: defendant/respondents'
Pacious, Kathleen: defendant/respondents'
Taylor: plaintiff/petitioner is pro se

IN THE
SUPREME COURT OF THE UNITED STATES

No. 05-655

ROY LEE TAYLOR,
Petitioner,

V.

DEPARTMENT OF PUBLIC SAFETY et al.,
Respondents.

Petition for Rehearing to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A REHEARING

Roy Lee Taylor hereby petitions for
a Rehearing of a Writ of Certiorari to
review the judgment of the United States
Court of Appeals for the Eleventh Circuit
in this action.

OPINIONS BELOW

The opinion of the Supreme Court of the
United States was "The petition for
a writ of certiorari is denied," by

s/WILLIAM K. SUTER, Clerk

JURISDICTION

The judgment of the Court of Appeals was entered on June 23, 2005. Petition for rehearing was denied July 27, 2005. It had jurisdiction pursuant to 28 U.S.C. § 1295. The District Court had jurisdiction to hear the case pursuant to 28 U.S.C. § 1331. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1). This Court denied the writ of certiorari on January 9, 2006.

STATUTORY AND CONSTITUTION PROVISION INVOLVED

This case concerns whether parties can act unconstitutionally and against statute.

STATEMENT OF THE CASE

State of Georgia ruled that the respondents are not State of Georgia when a procedure we took so they could act as the State. We were told the respondents were acting improper. Not being State, the respondents are without evidence to claim State and agencies as we were ordered. We were told it was not my fault. The federal courts have overstepped in this by reversing the State of Georgia.

State of Georgia Constitution says immunity can not protect employee of the state when they act out of line. And, no laws is to be made to overrule this Section of the law. And, they are subject for the damages caused. They can not claim they are agencies and state under no circumstances. State of Georgia is without authority to give immunity to these persons when acting contrary to law.

CLARIFICATIONS

When the federal Courts give them immunity, it violates all constitutional provision for immunity. This should be unacceptable by the federal courts. The case should be placed in my favor for them to say they don't understand. It can be no such motion. The immunity is no question for federal court because the State has this covered. The courts have evidenced they're not State and agencies. Even if the courts thought I am making a state case, it can not be. It is no mistake I listed persons.

I specifically requested them in my complaint that they answer individually as well. They only pertaining not to know because they don't have a defense. The federal courts most not be the source where they claim state. It is no state. Even if the courts call them state, it does not exist. None of the state courts gives them a case.

The Parties counsel have not given a waiver, response, and appearance of counsel for which respondents are represented. I need this statement to understand the persons who the denial applies to. When this is not known, it goes to my point of clarification problem as to an order by any courts that don't answer what they are overlooking. The respondent and courts are saying they don't know which ones are involved, but person can be sued. Remember you are the only thing makes them state and agencies which don't exist unlike others' cases.

Because I knew about state immunity, I was specific in my complaint that each

person answers individually and not with state and agency. This was not done by the state. It was done by person listed.

The game played was going to bring about service other than by Mail. To make the story short, The court should not override constitution because it specifically blocks immunity in this case. The United States court told me to go to this Court about this. But, one other thing is did this Court rules states have no immunity in American with Disability Act, United States v. Georgia, 04-1203 from the 11th Circuit, but remember my case is about person.

Can individual be sued in federal court for damages of federal and state rights? Who is this case denied against since it is not clear what is being said? The waiver, response, and appearance of counsel need to be done since it is not clear whom they represent.

Remember, the individuals can not be called state no matter how confusing it is. If they don't know what they did, it has to be things made contrary to office. The departments might exist on some level to some people, but mines don't exist to them because they don't have a situation between us. This is the reason they say off hands they did good-faith without saying they did such but saying they not understand for like of information but hope the courts give immunity on false imagination treated like others' good-faith. I do not have this with them and don't know why they call themselves department and state. They most exist to me so they want be called person. They most act as state to be recognized as it.

CONCLUSION

The Petitioner respectfully requests a Rehearing be done and case reversed in my favor.

This 23rd day of January, 2006.

Respectfully submitted,

ROY LEE TAYLOR
ROUTE 1, BOX 215
WRIGHTSVILLE, GEORGIA 31096
PH# (478)-864-2596

Pro se

CERTIFICATE OF GOOD FAITH

Petitioner hereby certifies that the foregoing petition for Rehearing, is submitted in good faith and not for delay.

I Roy Lee Taylor squares under penalty of perjury about good faith and delay.

Roy Lee Taylor
ROY LEE TAYLOR
ROUTE 1, BOX 215
WRIGHTSVILLE, GEORGIA 31096
PH# (478)-864-2596

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